

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

John G. Spirko, Jr.,

Case No. 3:95CV7209

Plaintiff

v.

ORDER

Margaret Bradshaw, Warden,

Defendant

This is a habeas corpus case in which documents were submitted by the U.S. Postal Service for *in camera, ex parte* inspection by the undersigned. On review and subsequent filing of an order denying the petitioner's request for discovery, I informed counsel for the parties that I would seek to obtain approval from the U.S. Postal Service for disclosure of the documents to counsel for attorneys' eyes only review.

After the Postal Service informed me that it opposed any further disclosure of its documents, a telephone conference was held with Postal Service counsel and counsel for the parties.

The Postal Service opposes further disclosure on the basis that, as this court has found, the materials contain nothing of pertinence to the issues considered and adjudicated by the undersigned in this case. The Service desires, in effect, that its "dirty laundry" about several Inspectors'

discontent in early 2000 with Inspector Paul Hartman's supervision of subordinates nearly twenty years after his investigation and testimony against the petitioner not be hung out any further.

I conclude that the materials shall not be disclosed to counsel for the parties. In making this decision, I repeat and confirm my conclusion that nothing in them has any bearing on the investigation, prosecution, or conviction of the petitioner, and that nothing in them justifies further discovery or proceedings in this case. To the extent that they contained material pertinent to the issue before me – whether further discovery was justified – that material has been discussed in my most recent opinion.

The documents are, in any event, a part of the record of these proceedings, and thus available for review by reviewing courts.

The documents shall, accordingly, remain under seal pending further court order.

So ordered.

s/James G. Carr
James G. Carr
Chief Judge